

Chapter 3

AMUSEMENTS

Article I. In General

- § 3-1. Reserved.
- § 3-2. Dance halls.

Article II. Bingo Games and Raffles

- § 3-3. Authority for issuance of permits.
- § 3-4. Permits required; applications; fees.
- § 3-5. Eligible organizations.
- § 3-6. Gross receipts from activities; financial statements; audit and fees.
- § 3-7. Requirements for issuing permit; conduct of activity.
- § 3-8. Prohibited practices; violations; penalties.

Article III. Musical or Entertainment Festivals

- § 3-9. Purpose of article.
- § 3-10. "Musical or entertainment festival" defined.
- § 3-11. Permits--Generally.
- § 3-12. Same--Applications.
- § 3-13. Same--Same--Decision by board of supervisors.
- § 3-14. Same--Conditions of issuance.
- § 3-15. Same--Transfer and revocation.
- § 3-16. Time restrictions.
- § 3-17. Construction of article.
- § 3-18. Violations; penalties.

ARTICLE I.

IN GENERAL

Sec. 3-1. Reserved.

Sec. 3-2. Dance halls.

A "*dance hall*," within the meaning of this section, shall be construed to be any place open to the general public where dancing is permitted; provided, however, that any restaurant licensed under Sections 4-98.1 and 4-98.2 of the Code of Virginia, 1950, as amended, or any successor provisions, to serve food and beverages having a dance floor with an area not exceeding ten (10) per centum of the total floor area of the restaurant shall not be construed a dance hall under this section and shall be exempt from the license tax payable under section 10-1 of this Code.

Dances held for benevolent or charitable purposes or when the same are conducted under the auspices of religious, educational, civic or military organizations shall be exempt from the provisions of this section and from the license tax payable under section 10-1 of this Code.

For the purposes of this section, the phrase "dances open to the general public" shall include any dances limited to the membership of any organization where the sole criteria of membership is the paying of admission price or other nominal fee.

- (a) Dance hall licenses. No person shall, within the county, operate any dance hall without having a valid dance hall license issued pursuant to the regulations set forth in this section.
- (b) Licensing requirements. The commissioner of the revenue may issue a dance hall license provided that the issuance of all dance hall licenses shall be governed by the following:
 - (1) The applicant shall make application for the license to the commissioner of the revenue on a form provided for the purpose, giving all information required by such form.
 - (2) No license shall be issued unless and until the owner or operator certifies that a uniformed security guard shall be on duty at the dance hall during all times that dancing is permitted. Such certification shall be made a part of the application for license.
 - (3) The applicant shall, at his sole effort and expense, obtain from the appropriate county authorities a building permit or zoning approval for the operation of such dance hall. No license may be issued by the commissioner of the revenue until such permit is presented to the commissioner in proper form.
 - (4) The applicant shall pay to the commissioner of the revenue any license fee prescribed by section 10-1 of this Code.
 - (5) The commissioner of the revenue shall, within ten (10) days of the submission of the completed application form, building permit and license fee, either issue the dance hall license or mail to the applicant written notice that the license has been denied, such notice to set forth the reasons for the commissioner's refusal to issue said license.
 - (6) Within thirty (30) days of the receipt of the commissioner of the revenue's notice of refusal to issue the license, the applicant may appeal such decision by notifying the county administrator, in writing, of his desire to appeal. Upon the receipt of such notice, the county administrator shall place the matter for hearing on the agenda of the next then available meeting of the board of supervisors.
 - (7) Within thirty (30) days following the hearing before the board of supervisors, the board shall render its decision, either directing the commissioner to issue the license or denying the issuance of such license.
- (c) Revocation of license. The commissioner or the board of supervisors may revoke dance hall licenses issued pursuant to this section for the following cause or causes:
 - (1) Failure to provide a uniformed security guard on duty during business hours when dancing is permitted.
 - (2) Failure to pay the annual license fee as prescribed by section 10-1 of this Code.
 - (3) Failure to maintain building, safety and health standards as prescribed by the appropriate

public authorities.

(4) Violation of the business hours regulations as set forth herein.

(5) For other good and sufficient cause.

In the event the owner or operator is in violation of any of the above causes of revocation, the commissioner shall notify said owner or operator of the specific provision(s) of which he is in violation and make demand that such violation be corrected within fifteen (15) days of receipt of such notice. If the owner or operator fails to remedy such violation, within said fifteen-day period, the commissioner shall notify the owner or operator that his license to operate the dance hall has been revoked. Upon receipt of such notice of revocation, the owner or operator, may, by written notice to the county administrator, state his request for appeal, and, thereafter, the matter will be scheduled, heard and determined by the board of supervisors as provided in subsections (b)(6) and (7) of this section.

(d) Sale or transfer of business. Upon the sale or other transfer of any dance hall operation or business, the new owner or operator shall within thirty (30) days of change of possession, make application for a new dance hall license. The dance hall license of a previous owner or operator is nontransferable and after said thirty (30) days the new owner or operator shall be considered to be operating without a license and shall be subject to the fines and penalties set forth herein.

(e) Hours. It shall be unlawful to keep open or operate any licensed public dance hall in the county between the hours of 12:00 midnight of each Saturday and 6:00 a.m. of each Monday.

(f) Penalty. Any person operating a dance hall without a license or with a revoked license shall be guilty of a misdemeanor and shall be subject to a fine of not more than one hundred dollars (\$100.00) for each day that the business is operating without a valid dance hall license.

(P.C. Ord. No. 79-9, 8-27-79)

ARTICLE II.

BINGO GAMES AND RAFFLES

Sec. 3-3. Authority for issuance of permits.

The commissioner of the revenue of Rockingham County is hereby authorized to issue permits required under section 3-4 hereof only to the organizations described under section 3-5 hereof to conduct bingo games, instant bingo games and raffles, as authorized by the Code of Virginia, 1950, as amended. (11-14-73; P.C. Ord. No. 81-1, 1-26-81; amended for recodification, 1987)

Sec. 3-4. Permits required; applications; fees.

No organizations described in section 3-5 hereof shall conduct any bingo games, instant bingo games or raffles without first having obtained an annual permit for such activity from said commissioner of the revenue. Applications for an annual permit shall be submitted in writing upon a form provided by said commissioner of the revenue, accompanied by the annual permit fee of twenty-five dollars (\$25.00) and the financial statement

required by section 3-6 hereof, to said commissioner of the revenue, which permit shall expire on the following December thirty-first after issuance. No fees will be prorated for any applications irrespective of the date of issuance of the permit.

(11-14-73, § 1; P.C. Ord. No. 81-1, 1-26-81; P.C. Ord. No. 81-5, 8-24-81)

Sec. 3-5. Eligible organizations.

An annual permit to conduct bingo games, instant bingo games or raffles may be issued to any of the following organizations:

- (a) The rescue squads of Bergton, Broadway, Bridgewater, Elkton, Grottoes, and Harrisonburg, and the volunteer fire departments of Bridgewater, Broadway, Elkton, Grottoes, Harrisonburg, Hose Company No. 4, McGaheysville, Timberville, and Weyers Cave, or any auxiliary unit thereof, and any other rescue squad or volunteer fire department which shall be subsequently recognized by an ordinance or resolution of the board of supervisors as being a part of the safety program of Rockingham County.
- (b) An organization operated exclusively for religious, charitable, community or educational purposes; an association of war veterans or auxiliary units thereof organized in the United States; or a fraternal association operating under the lodge system.

(11-14-73, § 2; P.C. Ord. No. 81-1, 1-26-81)

Sec. 3-6. Gross receipts from activities; financial statements; audit and fees.

No part of the gross receipts derived from an activity for which a permit has been issued shall inure directly or indirectly to the benefit of any private shareholder, member, agent or employee of any organization named under section 3-5 above. Records of all receipts and disbursements of any activity for which a permit has been issued shall be kept and an annual financial statement, signed by either the president or the treasurer, under oath, of any such organization, shall be filed with said commissioner of the revenue on or before the first day of November of each calendar year for which a permit has been issued, and such accounting shall include a record of gross receipts and disbursements for the year period which commenced on the first day of October of the previous year. All such reports shall be a matter of public record. In addition, any such organization shall be subject to an annual audit conducted by said commissioner of the revenue, and such additional, unannounced audits as he may desire.

There shall be no audit fee for unannounced audits. There shall be no annual audit fee for any organization whose financial statement reflects gross receipts of less than two thousand dollars (\$2,000.00). The annual audit fee for an organization whose financial statement reflects gross receipts of between two thousand dollars (\$2,000.00) and five thousand dollars (\$5,000.00) shall be calculated at the rate of one-half (1/2) of one (1) per cent of the gross receipts. The audit fee for an organization whose financial statement reflects gross receipts in excess of five thousand dollars (\$5,000.00) shall be a base fee of twenty-five dollars (\$25.00) plus one-tenth (1/10) of one (1) per cent of the gross receipts in excess of five thousand dollars (\$5,000.00).

(11-14-73, § 3; P.C. Ord. No. 81-1, 1-26-81; P.C. Ord. No. 81-5, 8-24-81)

Sec. 3-7. Requirements for issuing permit; conduct of activity.

No organization shall be issued a permit as provided herein unless and until it meets the requirements of Section 18.2-340.3 of said Code of Virginia, which provides, among other things, that such organization must have been in existence and met on a regular basis in Rockingham County for a period of at least two (2) years immediately prior to making application for such permit, and has operated as a nonprofit organization for at least such two (2) year period immediately prior to making application for such permit. Any such organization granted such a permit shall conduct the activity for which the permit is granted in the manner provided under Sections 18.2-340.4 et seq., of said Code of Virginia.
(11-14-73, § 4; P.C. Ord. No. 81-1, 1-26-81)

Sec. 3-8. Prohibited practices; violations; penalties.

No organization shall commit any of the acts or practices prohibited under Section 18.2-340.9 of said Code of Virginia, which provides, among other things, that, except for reasonable and proper operating costs and prizes, no part of the gross receipts derived by any organization may be used for any purpose other than those for which such organization is specifically chartered or organized; no organization shall enter into a contract with, or otherwise employ for compensation any person, firm, association, organization, partnership or corporation of any classification whatsoever for the purpose of organizing, managing or conducting bingo games, instant bingo games or raffles; and only a fair rental shall be payable for the use of any premises and no premises shall be used more frequently than two (2) calendar days in any calendar week for the conduct of any such games or raffles, except as permitted by Section 18.2-340.4 of said Code of Virginia. The board of supervisors may refuse to issue or suspend or revoke the permit of any organization found not to be in strict compliance with this article or any of the aforesaid sections of said Code of Virginia; however, no permit to conduct bingo games, instant bingo games or raffles shall be denied, suspended or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon before the board of supervisors. Any organization aggrieved by the decision of the board of supervisors may appeal such decision to the circuit court. In addition, any person violating this article or any such provisions of said Code of Virginia shall be guilty of a Class 1 misdemeanor. Any person violating the provisions of Section 18.2-340.9A of said Code of Virginia shall be guilty of a Class 6 felony. Further, the commonwealth's attorney or county attorney may enforce this article in accordance with Section 18.2-340.11 of said Code of Virginia.
(11-14-73, § 5; P.C. Ord. No. 81-1, 1-26-81)

ARTICLE III.

MUSICAL OR ENTERTAINMENT FESTIVALS

Sec. 3-9. Purpose of article.

This article is enacted for the purpose of providing necessary regulations for the conducting of musical or entertainment festivals conducted in open spaces not within an enclosed structure, and of any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.
(8-10-70, § 1)

Sec. 3-10. "Musical or entertainment festival" defined.

The term "*musical or entertainment festival*" shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

(8-10-70, § 2)

Sec. 3-11. Permits--Generally.

No person shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of the county unless there shall have been first obtained from the board of supervisors a special entertainment permit for such festival. Fire departments, rescue squads, agricultural fairs, entertainment sponsored by local high schools or any event in which the participants are all high school students are exempt from this requirement.

(8-10-70, § 3)

Sec. 3-12. Same--Applications.

Application for a special entertainment permit issued under this article shall be in writing on forms provided for such purpose and filed in duplicate with the clerk of the board at least thirty (30) days before the date of such festival and twenty-one (21) days prior to a meeting of the board. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article.

(8-10-70, § 3)

Sec. 3-13. Same--Same--Decision by board of supervisors.

The board of supervisors shall act on permit applications within ten (10) days from the date on which the application is considered. If granted, the permit shall be issued in writing on a form for such purpose and mailed by the clerk to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein and mailed by the clerk to the applicant at the address indicated.

(8-10-70, § 3)

Sec. 3-14. Same--Conditions of issuance.

Such permit shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the board of supervisors with the application:

- (a) The application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such festival, containing the date and time of such festival together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.
- (b) A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at such festival.
- (c) A statement of the location of the proposed festival, the name and address of the owner of the property on which such festival is to be held, and the nature and interest of the applicant therein.

- (d) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.
- (e) A plan for providing food, water and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.
- (f) A plan for adequate medical facilities for persons at the festival, approved by the county health officer.
- (g) A plan for adequate parking facilities, crowd control and traffic control in and around the festival area, approved by the county sheriff.
- (h) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations.
- (i) A statement specifying whether any outdoor lights or lighting is to be utilized, and, if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- (j) A statement that no music shall be played, either by mechanical device or live performance, in such manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

(8-10-70, § 4)

Sec. 3-15. Same--Transfer and revocation.

All permits issued under this article shall be nonassignable and nontransferable. The board shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions.

(8-10-70, § 6; Amended for recodification, 1987)

Sec. 3-16. Time restrictions.

Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period. Such twenty-four (24) hour periods shall be measured from the beginning of the first performance at such festival.

(8-10-70, § 5)

Sec. 3-17. Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the county.

(8-10-70, § 9)

Sec. 3-18. Violations; penalties.

Any person who violates any provision of this article shall be guilty of a misdemeanor. The board of supervisors may bring suit in the Circuit Court of Rockingham County to restrain, enjoin or otherwise prevent violation of this article.

(8-10-70, § 7)